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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,801	02/15/2001	Jheroen P. Dorenbosch	PF02049NA	2726

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EXAMINER

CORSARO, NICK

ART UNIT PAPER NUMBER

2684

DATE MAILED: 04/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

cd/

Office Action Summary

Application No.

09/784,801

Applicant(s)

DORENBOSCH, JHEROEN P.

Examiner

Nick Corsaro

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Obhan et al. (6,366,780) in view of Sen et al. (6,330,451).

Consider claims 1 and 8, Obhan discloses a communication system that provides communication services to a plurality of communication devices over one or more radio frequency (RF) channels (see abstract lines 1-4). Obhan discloses a resource controller that controls at least one communication resource used to provide the communication services to the plurality of communication devices (see col. 6 lines 23-35, col. 2 lines 35-46, col. 4 lines 63-67, and col. 5 lines 1-23). Obhan discloses an operator interface connected to the resource controller that allows an operator to specify the resource parameters for the system in real time wherein when an operator accesses a system they are interactive with the system therefore Obhan discloses an operator interface (204, figure 2) that interfaces with the resource controller to inherently let a an operator interactively specify communication service availability to the plurality of the communication devices (see col. 8 lines 41-53, and col. 11 lines 50-67). Obhan discloses the specified availability is obtained by controlling the at least one communication resource (see col. 11 lines 50-67, col. 22 lines 55-67, and col. 23 lines 1-16). Obhan does not specifically disclose the operator interacts with the resource controller. Sen teaches an operator

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interacts with the controller (see col. 10 lines 63-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Obhan, and have the operator interact with the resource controller, as taught by Sen, thus allowing the system operator to modify system configuration parameters.

Consider claims 2 and 9, Obhan discloses the service availability is modified by changing at least one parameter essentially consisting of: a number of communication devices that receive the communication services; a number of communications devices that receive the communications services in a cell; a bit rate over an RF channel used to communicate data with the communication devices; and a coding algorithm used to communicate information with the plurality of communication devices (see col. 22 lines 55-67, and col. 23 lines 1-60).

Consider claims 3 and 10, Obhan discloses the computer based system that changes the availability where computer based system inherently have algorithms, therefore Obhan discloses a system parameter is changed based on an inherent preprogrammed algorithm to interactively modify communication service availability to the plurality of the communication devices (see col. 4 lines 63-67 col. 4 lines 1-15, and col. 6 lines 57-67). Obhan does not specifically disclose and algorithm. Sen teaches an algorithm (see col. 10 lines 63-67 and col. 11 lines 1-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Obhan, and use an algorithm, as taught by Sen, thus allowing the computer system to perform a repeated function.

Consider claim 4, Obhan discloses the resource controller monitors one or more system parameters to interactively modify communication service availability to the plurality of the communication devices (see col. 22 lines 55-67, and col. 23 lines 1-18).

Consider claims 5 and 11, Obhan discloses a system parameter essentially consists of at least one of a number of registered subscribers, load on a RF channel, load on a communication resource, a traffic mix, or a coding algorithm (see col. 5 lines 13-24, and col. 5 lines 50-67 and col. 6 lines 5-16).

Consider claims 6, 12, and 13, Obhan discloses the resource controller monitors load on one or more communication resources over a defined period of time to determine how to control the at least one communication resource (see col. 5 lines 41-59, col. 5 lines 13-24, and col. 5 lines 50-67 and col. 6 lines 5-16).

Consider claims 7 and 14, Obhan discloses the resource controller monitors the time that a communication resource is out of service for deriving load distributions, to control the at least one communication resource (see col. 2 lines 62-67, col. 3 lines 1-11, col. 5 lines 15-23, col. 5 lines 40-50 and col. 6 lines 5-16).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(6,327,472) Westroos teaches load management.

4. Any inquiry concerning this communication should be directed to Nick Corsaro at telephone number (703) 306-5616.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Hunter, can be reached at (703) 308-6732. Any response to this action should be mailed to:

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Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 customer Service Office whose telephone number is (703) 306-0377.

Nick Corsaro



DANIEL HUNTER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600